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In re Application of WATKINSON  
U.S. Application No.: 10/598,398  
PCT Application No.: PCT/GB2004/005457  
Int. Filing Date: 29 December 2004  
Priority Date Claimed: 30 December 2003  
Attorney Docket No.: (none)  
For: FORMATION OF GLASS FLAKES

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DECISION

This is in response to applicant's "Petition to Revive Abandoned Application Under the Provisions of 37 C.F.R. § 1.137(b)" filed 26 August 2006.

**BACKGROUND**

On 29 December 2004, applicant filed international application PCT/GB2004/005457, which claimed priority of an earlier United Kingdom application filed 30 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 14 July 2005. the thirty-month period for paying the basic national fee in the United States expired on 30 June 2006.

International application PCT/GB2004/005457 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

On 22 December 2006, applicant filed an executed declaration.

**DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "the entire period of delay in meeting the outstanding requirements due by the 30th-month following Applicant's priority claim for eventual entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional". This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 December 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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